

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PARKER, :
 :
 Plaintiff, :
 :
 v. : Civil No. 18-08674 (NLH) (JS)
 :
 UNITED STATES OF AMERICA, ET AL: :
 :
 Defendants. :

DECLARATION OF SEAN NOLAN

I, Sean Nolan, do hereby declare and state the following:

1. I am the Special Investigative Agent ("SIA") of the Federal Correction Institution Fort Dix, New Jersey ("FCI Fort Dix"). I have worked in this field since 2015. I have held this position at FCI Fort Dix since July 2018.

2. In my position as SIA, I supervise the Special Investigative Services ("SIS") Department, which consists of SIS Lieutenants and Technicians. The primary responsibility of the SIS Department is to conduct investigations of inmates committing violations of Bureau rules or criminal laws. The Department also gathers intelligence, maintains the urinalysis program, and serves as the law enforcement liaison with local law enforcement departments. The Department is under the larger umbrella of the Correctional Services Department.

3. FCI Fort Dix is a federal prison consisting of two separate Low security compounds and one Minimum Security Camp. The facility was a former military barracks and is not constructed as a typical BOP prison. Each Low security compound consists of numerous buildings including housing units, Food Service, Education building, Recreation building, and the Lieutenant's complex. The SIS building is located outside of the secure perimeter; therefore, the Lieutenant's complex (inside of the secure perimeter) is utilized by SIS staff when contact with an inmate is necessary.

4. With respect to the housing units, each unit is three stories high and include dormitory-style bedrooms typically housing twelve inmates, large bathrooms on each floor, staff offices and television rooms. The walls are made of cinderblock.

5. Inmates frequently use common areas such as bathrooms and television rooms to conceal contraband in such a way as to make identifying the possessor nearly impossible. Inmates at FCI Fort Dix frequently conceal homemade intoxicants behind walls in the restrooms by removing cinderblocks, placing the homemade intoxicants inside of the walls, and replacing the cinderblocks. They also remove urinals in a similar fashion in order to hide contraband.

6. The Bureau of Prisons requires searches of inmates, their housing units, and work areas in order to locate contraband and deter its introduction, in accordance with 28 C.F.R. §552.14 and Program Statement 5521.06. The only guidance provided as to housing unit searches is to "[l]eave the housing or work area as nearly as practicable in its original order." 28 C.F.R. §552.14(b). The Correctional Services Manual instructs staff members to look for contraband in areas such as hidden compartments and hollow legs. Housing Unit staff members must search these areas in order to find contraband and deter future behavior. Many times, if staff members receive a tip, or if there is evidence of disruption of walls or other infrastructure, the searches involve having to further disturb that area in order to retrieve the contraband. While staff members attempt to immediately restore the area back to its prior condition, there are times when additional maintenance is necessary. There is no policy, regulation or statute that specifically instructs how staff members search for and retrieve contraband. Nor is there any policy, regulation, or statute that directs staff members how to keep cinderblock or other building materials away from inmates.

7. With respect to SIS investigations, the SIS Manual dictates timelines for investigations and what documents are

required to be part of the case file. It also dictates that all victims and witnesses must be interviewed. There is no guidance regarding how or where interviews are to be conducted.

8. At FCI Fort Dix, if an inmate in general population (i.e., not in the Special Housing Unit) needs to be interviewed as a suspect, victim or witness, a Lieutenant typically contacts the housing unit officer to instruct the inmate to report to the Lieutenant's Office. If the inmate cannot be immediately located, he is called over the institution intercom and instructed to report to the Lieutenant's Office. This is the safest way to conduct an interview as it draws less attention to the inmate than if the SIA or an SIS Lieutenant reported to the housing unit and retrieved the inmate. Inmates are called to the Lieutenant's Office for a multitude of other reasons including random urinalysis, serving of incident reports, and general counseling of inmates. An intercom announcement does not reveal that an inmate is a participant in an SIS investigation. There are no rules, regulations or statutes that require the investigation, and particularly interviewing of inmates, to be conducted in any particular type of manner. This institution has chosen a procedure which works best to suit the layout of the facility and the inmates' safety.

I declare that the foregoing declaration is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

A handwritten signature in black ink, appearing to read 'Sean Nolan', written over a horizontal line.

Sean Nolan
SIA
FCI Fort Dix

Dated: